

EXHIBIT “D”

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

- - - - -
SUNIL KUMAR, Ph.D., PRAVEEN SINHA, Ph.D.,
Plaintiff,

Case No.

2:22-CV-07550-RGK-MAA

-against-

DR. JOLENE KOESTER, in her official capacity
as Chancellor of California State University,

Defendant.

- - - - -
VIRTUAL CONFERENCE

September 25th, 2023
11:03 a.m.

EXAMINATION BEFORE TRIAL of PROFESSOR
AJANTHA SUBRAMANIAN, the Defendant herein,
taken by MR. SHAEFFER, in the above-entitled
action, held at the above time and place,
pursuant to Subpoena, taken before ALEXIS
TORRES, a Shorthand Reporter and Notary Public
within and for the State of New York.

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3 one definition that explicitly
4 references the South Asian caste
5 system, and then there will be a second
6 definition, which sort of generalizes
7 it to a kind of global phenomenon,
8 right?

9 So there, you see that caste has
10 become a kind of umbrella category to
11 talk about different descent based
12 systems. Why that's happened? I mean,
13 that's a historical question, right?
14 Why does one term become a kind of
15 umbrella term to encompass, you know,
16 different iterations, right, of a
17 social system? That's a historical
18 question that I don't have enough
19 expertise to answer.

20 Q. Are you offering any opinions on
21 how an ordinary American would
22 understand the term caste?

23 MR. MICHALOWSKI: Vague and
24 ambiguous. You can answer.

25 A. I don't know how -- you know,

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3 what different Americans come to the
4 term with. I mean, it probably varies
5 widely depending on who the person is.

6 Q. You mentioned a moment ago that
7 it's becoming an umbrella term. I'm
8 just wondering where it's becoming an
9 umbrella term. Is it becoming an
10 umbrella term in academia, or is it
11 becoming an umbrella term in your area
12 of specialty of anthropology, or are
13 you offering any opinion as to it
14 becoming an umbrella term in just
15 common parlance?

16 A. I think, again, like, it's a
17 very contextually specific. So the --
18 Professor Ravich's report suggest that
19 it's been an umbrella term in U.S. law
20 for quite a while, right? In terms of
21 the American public, I think the
22 publication of Isabel Wilkerson's book,
23 Caste, which, you know, shot up to the
24 bestseller list, I think that has been
25 really influential in sort of educating

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3 within governing structures. They
4 likened those groups to "Castas,"
5 right? Which were similar, sort of,
6 ranked, social groups in the Iberian
7 Empires, right? So there was a sort of
8 analogy that they drew between
9 descent-based forms of social
10 stratification, the Iberian Empires,
11 and the descent-based forms of social
12 stratification in South Asia, which
13 went by the term Jati.

14 So that sort of correlation was
15 drawn, and -- and you know, as with any
16 correlation, they were both -- there
17 were accuracy and inaccuracy, I
18 suppose. But since the 16th century,
19 caste has become indigenized in the way
20 that, you know, if you look
21 historically, there's lot of what are
22 called "loan words" that come into a
23 social space and then become sort of
24 indigenized within that social space.
25 So that's what has happened with caste.

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3 caste as a protected category, and
4 yeah, there seems to be a pretty common
5 sense understanding of what it is.

6 That it is -- that it's a hereditary
7 and hierarchical form of social
8 difference. I mean, that seems to be
9 what is a kind of common sense
10 understanding of it.

11 (Whereupon, an essay was
12 marked as Plaintiff's Exhibit 3
13 for Identification.)

14 Q. Let me show you an article that
15 you wrote a couple years ago for the
16 New York Times, if you still stand by
17 what you said. An essay titled, "Why
18 Is Caste Inequality Still Legal in the
19 United States."

20 A. Mm-hmm.

21 Q. Is that an essay you co-authored
22 on around May 25th, 2021?

23 A. Mm-hmm.

24 Q. Is that a "Yes?"

25 A. Yes.

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3 Q. Sorry, one of the other rules
4 that I forgot to tell you is, "Mm-hmm"
5 and "Uh-huh" cannot be transcribed.

6 A. Yes, okay.

7 Q. And nods of the head also. So
8 occasionally I will remind you.

9 MR. MICHALOWSKI: I am quite
10 impressed that we've made it 80
11 minutes into the deposition and
12 we've just heard our first
13 "Mm-hmm." So nicely done,
14 Professor.

15 By the way, Professor, we've
16 been going about 80 minutes. If,
17 at any point, you need a break,
18 maybe after this line of
19 questioning would be a good time
20 to take a break.

21 MR. SHAEFFER: Sure. Let's
22 take a break after this question.

23 Q. You wrote this article?

24 A. Yes.

25 Q. And the very first sentence

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3 says, "Caste is not well understood in
4 the United States?"

5 A. Mm-hmm.

6 Q. There you go again.

7 A. Yes.

8 Q. And you still stand by that
9 statement?

10 A. So what I would say is that I
11 don't think that caste -- the nuances
12 of how caste functions among -- which
13 is what I said -- among people of South
14 Asian descent, I don't think those
15 nuances are well understood. Does that
16 mean that caste, more generally, as a
17 kind of hierarchical and hereditary
18 system is not understood? No.

19 I think that most people
20 understand caste as -- like, the
21 foundational principles of caste, which
22 is heredity and hierarchy, I think
23 those are understood, but the nuances
24 of what caste references, the forms of
25 social distinction, I mean -- I don't

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3 Q. There's more than one billion
4 Indians across the world, aren't there,
5 of people of Indian descent?

6 A. Sure, but it doesn't say that
7 that one billion people are all South
8 Asians. It says, "Caste is a structure
9 of oppression that affects one billion
10 people across the world based in birth
11 that determines social status and
12 assigning spiritual purity." And then
13 they go on to further -- one can think
14 of the second as an instance of the
15 first or one can think of the second as
16 equal to the first. And I think it's
17 kind of ambiguous whether it's one
18 instance of a larger structure of
19 oppression or whether this is the only
20 reference for that structure of
21 oppression.

22 Q. It says there are four main
23 caste groups, and it identifies the
24 four from the Varna and than as the
25 Dalits, correct?

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3 A. Yes.

4 Q. And if I'm in China, those caste
5 groups don't exist in China outside the
6 India diaspora, do they?

7 A. No, they don't.

8 Q. And they don't exist really
9 anywhere in the world outside South
10 Asia, correct, except with the diaspora
11 of South Asians?

12 A. Right.

13 (Whereupon, CSSA resolution
14 was marked as Plaintiff's Exhibit
15 5 for Identification.)

16 Q. Let me mark the students. This
17 is Exhibit 5. This is the Cal State
18 Student Association's resolution, and
19 it's virtually identical or very, very
20 similar to the faculty one, correct?

21 A. Yes.

22 Q. It identifies the four caste
23 groups that are identified by the
24 Varna, right?

25 A. Mm-hmm.

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3 action categories of the Indian state.

4 Like, all of these are ways of thinking
5 about caste difference. And one or
6 more of them can be in place at any
7 given moment, so it really depends.

8 Q. Is there a consensus?

9 A. On what?

10 Q. Would you agree, is there a
11 consensus in the academic community? I
12 know there is an outlier for
13 everything. Is there an consensus in
14 the academic community that Jati and
15 caste are used interchangeable?

16 A. I would say that caste is the
17 most common translation of the word
18 Jati in -- you know, in anglophone
19 scholarship.

20 Q. And then, Varna is just
21 something completely different, Varna a
22 textual hypothetical social
23 organization?

24 A. Yeah. You know, I think -- I
25 tend to think about Varna, again, as a

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3 A. No, but this is why caste is a
4 useful umbrella term because it's a
5 kind of -- what's that word in
6 linguistic anthropology? It's a kind
7 of mediating term, right, that allows
8 you to draw comparisons between similar
9 social institutions in other places.

10 Yeah.

11 Q. We were talking a moment ago,
12 before I got sidetracked again, about
13 your opinion that caste is not -- let
14 me step back a bit. Is it your opinion
15 that caste is not derived from
16 Hinduism, or is it your opinion that
17 caste is not associated by people
18 rightly or wrongly with Hinduism?

19 A. The first.

20 Q. And are you offering?

21 A. The first. It's not derived
22 from Hinduism, but yes, it is often
23 associated with Hinduism.

24 Q. Looking at pages 7 and 8 of your
25 report --

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3 what I've heard, which is it's

4 socioeconomic discrimination?

5 A. He uses a --

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7 MR. MICHALOWSKI: I'm sorry,

8 Professor, to interrupt you. I

9 need to make my objection, which

10 is the question is compound, the

11 question poses an incomplete

12 hypothetical. You can answer.

13 A. He uses himself as an example.

14 He's a dark skinned Harvard professor,

15 and he describes forms of colorism that

16 he was subjected to.

17 Q. Okay. Wrapping up a few more

18 questions. Can someone in the United

19 States, who's not of South Asian

20 descent, be a victim of caste

21 discrimination that's distinct from

22 racial ethnic discrimination?

23 A. If they've been discriminated

24 against on the basis of descent, yes.

25 Q. So why not use the word descent?

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3 MR. MICHALOWSKI:

4 Foundation.

5 A. Why not use the term caste?

6 Q. Isn't descent a much more
7 inclusive and understandable term
8 amongst the general population of the
9 United States?

10 MR. MICHALOWSKI: Objection.

11 This specific question has been
12 asked and answered, and Professor
13 Subramanian is not a linguist.

14 She's been designated to testify
15 based on her anthropological
16 background, so this question is
17 beyond the scope and lacks
18 foundation.

19 Q. Answer.

20 A. I don't have an answer.

21 Q. In terms of the South Asian
22 diaspora, can someone's caste commonly
23 be determined by their name; is their
24 name an indication of caste?

25 A. It can be.